

Proposed Revisions to Family Home Child Care Rules (WAC Chapter 388-155) (Expected effective date is 9/1/04.)

The Division of Child Care and Early Learning (DCCEL) recently completed an initial draft of proposed revisions to the Family Home Child Care WAC Chapter 388-155. If adopted, the new WAC Chapter would be 388-296.

Why are the Family Child Care WACs being revised?

During the past several years, interested parties including Family Home Child Care providers have asked the Department to modify rules for Family Child Care Homes to make them more clear and understandable. These parties were concerned that the existing WACs were too vague, resulting in different and inconsistent interpretations of child care regulations by child care licensing staff. In response to these concerns, DCCEL has re-written WAC Chapter 388-155 using a clear rule writing style and a question and answer format. At the same time, DCCEL included new regulations that promote child health and safety and enhance early learning opportunities.

What changes are providers most concerned about?

The following chart lists the most commonly referenced issues along with the current requirement:

WAC/Source	Issue Descriptions	Current WAC Requirement	DCCEL Considerations	Proposed Resolution
296-0150	Request for additional personal information as needed i.e.; medical records.	This is not a new requirement. The Dept. has always had authority to require additional information such as Substance Abuse Evaluations, Psychological Evaluations etc. if deemed necessary.	DCCEL staff will work on improving the language to more clearly define when such information may be obtained.	Left in the type of evaluations we might ask for, and that the cost of any evaluations would be the responsibility of the provider. Removed the 'medical records' requirement.

WAC/Source	Issue Descriptions	Current WAC Requirement	DCCEL Considerations	Proposed Resolution
296-0180	Pending charges given the same weight as convictions.	This is not a new requirement. This is a standard of the DSHS Background Check Centralized Unit.	DCCEL supports maintaining this rule as it is written. It would be a mistake to license an individual with disqualifying criminal charges pending. As solution would be to re-apply after the pending charge has been resolved.	No change in the proposed language.
	Character and Suitability Assessments	New language. Practice has been to conduct the reviews, but has not been reflected in WAC.	Applicants occasionally are found to have been convicted of crimes that would not disqualify them according to DSHS rules, but require further explanation. Examples: Founded findings of Child Abuse/Neglect Multiple DWI convictions	No change in the proposed language.
296-0290 Review of other states rules/meet supervision requirement	Qualified staff person must remain awake when children are in care.	New language. Current WAC requires a plan to ensure the safety of children, but does not address the need for staff to be awake.	Dept. has removed this language. However, new language was developed.	Changed language to require the licensed provider or a qualified staff person must be awake when children are dropped off and picked up at the family home child care.

WAC/Source	Issue Descriptions	Current WAC Requirement	DCCEL Considerations	Proposed Resolution
296-0310	Unlicensed areas of the home would be inspected during initial and re-licensing visits, or if there is a specific complaint about an unlicensed area of the home.	Current WAC is vague about what constitutes licensed premises.	The Department is developing language that will require unlicensed areas to be made inaccessible to children.	<p>Licensors will have authority to inspect any areas that are accessible to children. The proposed rule allows licensing staff to inspect unlicensed areas with specific complaints and if they have reason to believe children are at risk remains.</p> <p>At initial and renewal licensing and monitoring visits, we must ensure fire safety requirements are met. The licensee will have the choice of:</p> <ul style="list-style-type: none"> (a) having the fire marshal conduct a fire inspection of the entire building, and provide written documentation the home meets the requirements; or (b) allowing licensing staff to conduct a fire safety walk through of the entire building. <p>NOTE: This section will be filed with a supplemental CR-102, and will not be effective at the same time as the rest of the chapter. This section has been substantially changed from the proposed rule filing, which makes it necessary to file for adoption separately. The current rule regarding the inspection of premises, 388-155-090, will not be repealed until this revised section is adopted.</p>

WAC/Source	Issue Descriptions	Current WAC Requirement	DCCEL Considerations	Proposed Resolution
296-0520	Parent sign-in and sign-out required.	New language. Current WAC requires providers to document arrival and departure times.	The Department's position is that this requirement is necessary for quality assurance purposes associated with subsidy payments and capacity monitoring issues. The State Auditor is monitoring this issue closely as well.	This language remains in the proposed rule.
296-0720	Prohibits the use of licensed space where children are being cared for, for any other business purpose during operating hours.	New language.	The Department's position is that: 1) In order to meet the supervision requirements, the provider must give their attention to the children in their care; and 2) The licensed space must be available for use by the children in care.	This language remains in the proposed rule.
296-0750 <u>Caring For Our Children</u>	Restricts use of portable wading pools.	Current WAC allows providers to use portable wading pools.	Portable wading pools can become unsanitary very quickly and promote transmission of infectious diseases. The Department is considering sanitation options.	Portable wading pools will be allowed in family home child care. Providers must empty and sanitize wading pools daily and as needed when in use.
296-0770 <u>Caring For Our Children</u> (Center for Disease Control recommendations)	Must not allow pets to relieve themselves in the indoor or outdoor play area.	New language.	Alternate language is being considered that will require providers to make arrangements for pets to relieve themselves outside the play area.	The proposed language has been changed to the requirement that the provider must have an area separate from the outdoor play space for pets to relieve themselves.

WAC/Source	Issue Descriptions	Current WAC Requirement	DCCEL Considerations	Proposed Resolution
296-0910 <u>Developmentally Appropriate Practice in Early Childhood Programs</u> <u>Caring For Our Children</u>	Food when a child requests it.	New language.	The Department plans to remove this language. Providers would be better served by being given this information in a best practice guide.	Requirements for dinner and breakfast meals for children in nighttime care were added to the proposed language.
296-0990 <u>Caring For Our Children</u>	Food contact surfaces must be free from cracks and crevices, pots and pans free from pits and dents.	Current WAC requires cooking utensils etc to be "in good repair".	This was the Department's attempt to define "good repair". Health research raises cause for concern with dented pots and pans gathering bacteria. The Department plans to remove some of this language in lieu of a best practice guide.	Language in the proposed rule has been changed to state that food contact surfaces must be free of cracks and crevices.
296-1040 <u>Caring For Our Children</u>	30 inches between children when napping.	New language.	The Department is considering alternate language. 30 inches is necessary between cribs for safety purposes (in case of fire etc). The Department is also considering alternate language that would allow cribs to be arranged in manner that allows easy access to children, rather than 30 inches.	Language in the proposed rule has been revised to state the provider must allow enough space between children to give staff access to children when napping.

WAC/Source	Issue Descriptions	Current WAC Requirement	DCCEL Considerations	Proposed Resolution
296-1210 <u>Caring For Our Children</u>	Use of hallways and couches as "useable space"	Current WAC does not allow the use of hallways as useable space, but does not address the use of couches.	The Department intends to allow the use of couches and other furniture that are accessible to children as "useable space". Hallways cannot be considered useable space.	The language has been clarified, to state that they can count furniture that children can use as 'useable space'.
296-1360	States that sleeping or napping infants must be in the main child care space.	New Language	The Department's position is that this rule allows the provider to be more able to provide the type of supervision required for the safety of children, than if they are sleeping in another part of the home.	The language remains in the proposed rule.
296-1370 <u>American Academy of Pediatrics Screen Smarts</u>	Limits to television watching. 5 hours per week with some conditions.	New language.	The Department is considering removing this rule or at least modifying the language regarding 5 hours per week because of the enforcement issues.	The language restricting television viewing to 5 hours per week has been removed.
296-1410 Labor and Industry and Criminal Background Checks	Child care staff/ volunteers must be at least 16 years old.	New language. Current WAC allows 14 and 15 year olds to be paid assistants and/or volunteers.	The Department plans to maintain the existing rule that will allow 14 and 15 year olds to be paid assistants and/or volunteers.	The proposed rule allows 14 and 15 year olds to be paid assistants or volunteers.
296-1420	Licensee must not be temporarily absent from the home more than 20% of operating hours.	New language. Current WAC requires providers to be present during the "majority" of operating hours.	The Department is looking for a reasonable balance allowing assurance that the licensee runs the program while still managing need to leave the home.	The proposed language now states providers are required to be present the majority of the time. They must notify their licensor if they plan to be away more than the majority of the time.

If you have any additional questions or concerns or would like to discuss this further, please feel free to contact Carla Gira at (360) 413-3268.

* Caring For Our Children is approved by the American Academy of Pediatrics, American Public Health Association, and the National Association for the Education of Young Children (NAEYC).